

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE ORRACA,

Plaintiff,

vs

9:04-CV-1183
(DNH/DEP)

T. McCREERY; M. BERTONE; MR. ANDREWS;
T. NASAVERIA; MR. WRIGHT; MR. MALY;
and MR. MAYBERRY,
Defendants.

APPEARANCES:

OF COUNSEL:

JOSE ORRACA, 93-A-9300
Plaintiff *Pro Se*
Southport Correctional Facility
P.O. Box 2000
Pine City, NY 14871

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

STEPHEN M. KERWIN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Jose Orraca, brought this civil rights action pursuant to 42 U.S.C. § 1983. In Report Recommendation dated July 21, 2008, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for summary judgment be granted and all remaining claims contained within plaintiff's

complaint be dismissed. Objections to the Report Recommendation have been filed by the plaintiff.

Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted.

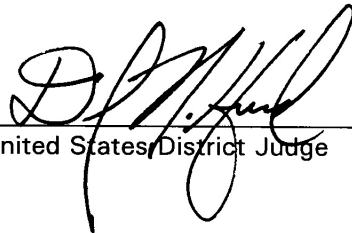
See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. All remaining claims contained within plaintiff's complaint are DISMISSED;
3. The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: September 15, 2008
Utica, New York.